

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SANDY J. BATTISTA,

Plaintiff,

v.

Civil Action No. 04-10779-DPW

DUANE MACEACHREN, et al.,

Defendants.

ORDER ON APPLICATION TO
PROCEED WITHOUT PREPAYMENT OF FEES

Now before the Court is plaintiff's application to proceed without prepayment of fees and affidavit under 28 U.S.C. § 1915:

The application to proceed without prepayment of fees is:

G GRANTED.

☒ DENIED for the following reason(s):

Plaintiff's application indicates that she has sufficient funds to pay the \$150.00 filing fee as she has approximately \$1,300.00 in her institutional account.

☒ Plaintiff shall pay the filing fee within 35 days of the date of this Order or this action shall be dismissed without prejudice without further notice.

G This action is DISMISSED under 28 U.S.C. § 1915(e)(2)(B) for the reasons stated in the accompanying memorandum.

G The Clerk shall issue summonses and the United States Marshal shall serve a copy of the summons, complaint, and this order upon defendant(s) as directed by plaintiff with all costs of service to be advanced by the United States.

SO ORDERED.

April 26, 2004
DATE

s/ Douglas P. Woodlock
UNITED STATES DISTRICT JUDGE